

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

SCANSOFT, INC.,

Plaintiff,

V.

C.A. No. 04-10353-PBS

VOICE SIGNAL TECHNOLOGIES, INC.,  
LAURENCE S. GILLICK, ROBERT S.  
ROTH, JONATHAN P. YAMRON, and  
MANFRED G. GRABHERR,

Defendants.

**VOICE SIGNAL TECHNOLOGIES, INC.'S  
MOTION TO COMPEL PRODUCTION OF DOCUMENTS**

Defendant and counterclaim plaintiff Voice Signal Technologies, Inc. (“Voice Signal”) moves pursuant to Fed. R. Civ. P. 37 and Local Rule 37.1 to compel plaintiff and counterclaim defendant ScanSoft, Inc. (“ScanSoft”) to produce documents in response to Voice Signal’s First Set of Document Requests to Plaintiff.

Voice Signal has asserted a counterclaim against ScanSoft for infringement of United States Patent No. 6,594,630. To prove infringement, Voice Signal needs technical documents, including source code listings, relating to ScanSoft's products. Voice Signal has requested the production of such documents in Request Nos. 4 and 5 of its First Set of Document Requests. ScanSoft has refused to comply with those document requests.

ScanSoft also has refused to comply with Voice Signal's requests for documents relating to the loss of revenue or profits by ScanSoft by reason of Voice Signal's conduct (Document Request No. 24) and relating to revenue received and costs incurred by ScanSoft in connection

with the sale or licensing of voice recognition systems (Document Request No. 25). These documents are necessary to challenge ScanSoft's claim for damages. Accordingly, Voice Signal moves to compel.

The grounds for this motion are further set forth in the accompanying memorandum and the exhibits attached thereto.

WHEREFORE, Voice Signal requests that the Court enter an order granting this motion and compelling ScanSoft to produce documents in response to Document Request Nos. 4, 5, 24, and 25 of Voice Signal's First Set of Document Requests to Plaintiff.

Respectfully submitted,

Dated: November 11, 2004

VOICE SIGNAL TECHNOLOGIES, INC.

By its attorneys,

/s/ Paul E. Bonanno

Robert S. Frank, Jr. (BBO No. 177240)  
Sarah Chapin Columbia (BBO No. 550155)  
Paul D. Popeo (BBO No. 567727)  
Paul E. Bonanno (BBO No. 646838)  
CHOATE, HALL & STEWART  
Exchange Place  
53 State Street  
Boston, MA 02109  
(617) 248-5000

CERTIFICATE PURSUANT TO LOCAL RULES 7.1 and 37.1

I certify that counsel for Voice Signal conferred telephonically with counsel for ScanSoft on November 11, 2004 in an effort to resolve the issues presented in this motion and that the parties were unable to reach an agreement. I also certify that the provisions of Local Rule 37.1 have been complied with.

/s/ Paul E. Bonanno

Paul E. Bonanno